

REMARKS

Claims 1-79 are now pending in the application. Claims 1, 15, 16, 31, 48, and 64 have been amended. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the remarks contained herein.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-79 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Harris et al. (U.S. Pat. No. 6,333,654) in view of McDaniel et al. (U.S. Pat. No. 6,232,604) further in view of Ng et al. (U.S. Pat. No. 6,011,679). This rejection is respectfully traversed.

With respect to amended Claims 1, 15, 16, 31, 48, and 64, applicant respectfully avers that the combination of cited references do not disclose all the elements of the applicants claimed invention.

Harris et al. at best discloses a slew rate controller that includes a coarse delay circuit 56 and a fine delay circuit 58. A multiplier circuit 82 **generates a digital word that represents a start time** of a power supply pulse. A duration of the power supply pulse is determined by a rising edge counter 60. The power supply pulse is provided to a line driver 36 to control the slew rate. **Harris et al. does not disclose a time-length signal that indicates a pulse width.**

McDaniel et al. at best discloses a delay circuit 54 for pulses in a PET scanner system. The delay circuit 54 includes a coarse delay 194 and fine delay 196. A lookup table 192 provides a delay time for the fine delay 196 based on a crystal identification

signal C_i . **McDaniel does not disclose a time-length signal that indicates a pulse width** and therefore does not make up for the shortcomings of Harris et al.

Ng. et al. at best provides a PWM power supply and does not make up for the shortcomings of Harris and McDaniel.

It is a longstanding rule that to establish a prima facie case of obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. In re Royka, 180 USPQ 143 (CCPA 1974), see MPEP §2143.03. **The applicant respectfully avers that the cited references neither disclose nor suggest a time-length signal that indicates a pulse width.**

Furthermore, applicant maintains that McDaniel et al. is non-analogous art. According to M.P.E.P. § 2141.01(a), “[i]n order to rely on a reference as a basis for rejection of an applicant’s invention, the reference must either be in the field of applicant’s endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned.” [M.P.E.P. § 2141.01(a) (citations omitted)] Additionally, “[w]hile Patent Office classification of references and the cross-references in the official search notes of the class definitions are some evidence of ‘nonanalogy’ or ‘analogy’ respectively, the court has found ‘the similarities and differences in structure and function of the inventions to carry far greater weight.’” [M.P.E.P. § 2141.01(a) (citations omitted)]

McDaniel et al. is directed to a delay circuit that corrects temporal relationships between event detection pulses in a medical PET scanner system. Exemplary embodiments of the present invention are related to switching power supplies, such as those used in personal computers and plasma systems for chip manufacturing.

Contrary to the assertions of the Patent Office, it is respectfully submitted that McDaniel is not within the field of Applicant's endeavor and not reasonably pertinent to the particular problem with which the Applicant was concerned. Additionally, it is respectfully submitted that the "structure and function" of the inventions of McDaniel and the present invention are dissimilar and different. Consequently, it is respectfully submitted that McDaniel is non-analogous art to the present invention, and, therefore, the Patent Office has improperly relied on McDaniel in its attempt to render the claims of the present application obvious.

Since the cited references fail to show, teach or suggest a limitation of the applicant's independent claims and McDaniel is from a non-analogous art, Claims 1, 15, 16, 31, 48, and 64, and their dependent claims are allowable for at least these reasons.

DOUBLE PATENTING

Claims 1-79 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-23 of U.S. Patent No. 6,804,788 (Lubomirsky) in view of Ng et al. (U.S. 6,011,679).

With respect to amended Claims 1, 16, 31 and 48, applicant respectfully avers that **Lubomirsky does not claim a time-length signal comprising a first and second portion that indicate the pulse width.**

Ng. et al. at best provides a traditional PWM power supply and therefore does not make up for the unclaimed aspects of Lubomirsky. For these reasons it is respectfully submitted that the combination of claims 1-23 of Lubomirsky with Ng. et al. does not provide all of the elements of the applicant's claims. It is therefore submitted

that Claims 1, 16, 31, 48, and their dependent claims are allowable for at least this reason.

With respect to amended Claims 15 and 64, applicant respectfully avers that **Lubomirsky does not claim generating a time-length signal that includes a first portion and a second portion that indicate a pulse duration of an output signal.**

Ng. et al. at best provides a traditional PWM power supply and therefore does not make up for the unclaimed aspects of Lubomirsky. For these reasons it is respectfully submitted that the combination of claims 1-23 of Lubomirsky with Ng. et al. does not provide all of the elements of the applicant's claims. It is therefore submitted that Claims 15 and 64 and their dependent claims are allowable for at least this reason.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the

Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

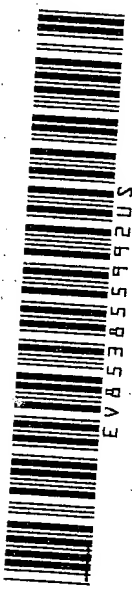
Respectfully submitted,

Dated: April 5, 2006

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